

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House
(317) 232-9855

FISCAL IMPACT STATEMENT

LS 6730

BILL NUMBER: SB 133

DATE PREPARED: Feb 14, 2001

BILL AMENDED: Feb 13, 2001

SUBJECT: Violation of Environmental Rules.

FISCAL ANALYST: Bernadette Bartlett

PHONE NUMBER: 232-9586

FUNDS AFFECTED: ☒ **GENERAL**
☒ **DEDICATED**
FEDERAL

IMPACT: State & Local

Summary of Legislation: (Amended) This bill removes from the category of environmental violations that are Class D felonies violations of: (1) rules or standards adopted by the Air Pollution Control Board, the Water Pollution Control Board, and the Solid Waste Management Board; and (2) determinations, permits, and orders made or issued by the Commissioner of the Department of Environmental Management under environmental management laws. The bill directs the Environmental Quality Service Council (or a committee designated by the Legislative Council if the EQSC is not in existence) to conduct a review, conduct a public hearing, and make recommendations to the General Assembly as to which intentional, knowing, or reckless violations of such rules or standards or of types of such determinations, permits, and orders constitute a misdemeanor or a felony.

Effective Date: (Amended) July 1, 2001; January 1, 2004.

Explanation of State Expenditures: (Revised) This bill removes rules or standards adopted by a board from the category of environmental violations that are Class D felonies. This bill may have a minimal impact on the number of Class D felony cases.

A Class D felony is punishable by a prison term ranging from 6 months to 3 years or reduction to Class A misdemeanor depending upon mitigating and aggravating circumstances. The average expenditure to house an adult offender was \$20,700 in FY 99. Individual facility expenditures ranged from \$14,936 to \$37,807. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the average cost for medical care, food, and clothing is approximately \$1,825 annually, or \$5 daily, per prisoner. The average length of stay in Department of Correction (DOC) facilities for all Class D felony offenders is approximately ten months.

The bill also provides that if the EQSC is not in existence, the Legislative Council must designate a study committee to review violations. Members of study committees receive a per diem and travel reimbursement.

Legislative Council Resolution 00-2 allocates \$9,000 per interim for study committees of fewer than 16 members and \$18,500 for committees with 16 or more.

Explanation of State Revenues: A person who is convicted of a Class D felony under the existing provision may, in addition to imprisonment, be punished by a fine of not less than \$5,000 and not more than \$50,000 per day. If the conviction is for a violation committed after a first conviction, the person may be fined not more than \$100,000 per day. This bill may have a minimal impact on the amount of these fines collected. Revenue from these fines is deposited in the Common School Fund.

This bill may also have a minimal impact on the number of Class D felony cases. If the case is filed in a circuit, superior, county, or municipal court (courts of record), 70% of the \$120 court fee that is assessed and collected when a guilty verdict is entered would be deposited in the State General Fund. If the case is filed in a city or town court, 55% of the fee would be deposited in the State General Fund.

Explanation of Local Expenditures: This bill may decrease jail expenses by a minimal amount. The average cost per day is approximately \$44.

Explanation of Local Revenues: If fewer court actions occur, local governments would receive less court fee revenue.

State Agencies Affected: Department of Correction.

Local Agencies Affected: Trial courts; local law enforcement agencies.

Information Sources: Indiana Sheriffs Association, Department of Correction.